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ABSTRACT

This report provides board policy samples and other policy resources on the community use of school facilities. The intent in providing policy samples is to encourage thinking in policy terms and to provide working papers that can be edited, modified, or adapted to meet local requirements. The report discusses briefly the use of school facilities by controversial groups; presents some limitations and restrictions on facility use; and talks about the problems of building security, liability for property damage or personal injury, and fire safety. (Author/JF)

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Educational Policies Development Kit

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School Board Policies on THE COMMUNITY USE OF SCHOOL FACILITIES

Cat. no. 71-19 *April, 1971*

This is the second in the 1971 series of six kit-booklets issued to help school boards develop written policies in key subject areas. All policy samples and other policy resources reproduced herein have been selected from the files of the Policy Information Clearinghouse of the National School Boards Association's Educational Policies Service (EPS/NSBA) and coded to the EPS/NSBA policy codification system.

The intent in providing policy samples is to encourage thinking in policy terms; to provide "something to start with"--working papers to be edited, modified, or adapted to meet local requirements. Administrators of EPS/NSBA member organizations should file this booklet for continuing reference in their master copy of the Educational Policies Reference Manual.

These materials are disseminated for information only and do not necessarily reflect official viewpoints of the National School Boards Association.

Additional kits may be ordered from the National School Boards Association, State National Bank Plaza, Evanston, Illinois 60201 at the following rates: 1-3 kits @ $2.00; 4-7 kits @ $1.80; 8-10 kits @ $1.60; 11 or more kits @ $1.50. Postage and handling charge added unless payment accompanies order--and payment should accompany all orders under $6.00 in value.

EPS/NSBA POLICY INFORMATION CLEARINGHOUSE
152 Cross Road Waterford, Conn. 06385

EPS File: KG
Community Use of School Facilities

Introduction

Editor's Note: This introduction is abridged from Extended Use of School Facilities *by R. N. Finchum, Specialist in School Plant Management, U.S. Office of Education. U.S. Government Printing Office, 1967. (Supt. of Documents catalog no. FS 5.221:21035.) Price: 70¢. In the body of that monograph, Finchum reports the results of his survey of nine city, suburban, and rural school districts concerning facility use by nonschool groups and also facility use beyond standard schedules (extended school day, week, and/or year).*

Today there is widespread feeling among school officials and lay citizens that public school facilities should be put to more efficient use by school groups and to more extensive use by nonschool and community organizations than was formerly the practice. In the face of increased demand for classroom space, the wastefulness of school facility disuse during long vacations and of only partial occupancy during the school year has become indefensible. The extended school day, week, and/or year are being advocated, and the conviction is growing that facilities belonging to the public should be available for any legitimate public purpose that is not inconsistent with the school program and its purposes.

The developing interrelationship between the school and the community with respect to school services to the community beyond the eight-hour daily educational schedule has compounded administrative problems at the local level. Use of facilities by school groups for activities beyond normal hours and by nonschool groups for various purposes at irregular times can generate difficulties. Solutions to these difficulties depend upon a careful analysis of available information regarding current policies and practices.

Policy Administration

School districts that permit or encourage wide use of their facilities should have policies and regulations--and a designated

official to administer them--if conflicts and confusion among users are to be held to a minimum. Other important functions of facility administration and property management include:

1. protecting the district against property loss or damage;

2. assigning school personnel for services and supervision;

3. collecting and accounting for money paid for property use;

4. processing applications and issuing permits;

5. generally enforcing regulations relating to facility use.

In the practice of nine school districts involved in a 1967 study by the U.S. Office of Education [see Editor's Note, p. 1], responsibilities for administering facility utilization beyond normal school schedules are lodged with either the superintendent of buildings and grounds or the superintendent of business affairs (or officials in their equivalent positions). In some instances responsibilities are divided between the two officials.

Applications. The USOE survey disclosed that the predominant practice with respect to applications for facility use is that school groups make oral requests through their principals for facility use after regular school hours up to 5 or 5:30 p.m. For use at other times these groups must submit applications on standard printed forms supplied by the central office. School-related groups such as the PTA may also use school facilities from 4 to 6

FACILITIES USE BY CONTROVERSIAL GROUPS

"It is not unusual that many quasi-public uses are made of public school facilities. While this has always been true, some recent trends have raised questions with legal implications. These center around two types of groups: (1) those which adhere to so-called "subversive" doctrines, and (2) those concerned with religion. Despite the difficulties which boards have with the problem of the use of school facilities by nonschool users, there appears to be a gradual tendency to extend the use of school buildings to more and more nonschool groups. The courts appear to favor the trend, provided there is no interference with the ongoing program of the school, and provided further, that once the board has decided to permit use of the buildings by one group, it does so for all groups, regardless of their affiliations or beliefs. And of course, there must be no "establishment" of religion, in violation of the First Amendment."--From Guide to School Law by Chester Nolte. Parker Publishing Company, 1969. Pp. 142-3.

p.m. on school days with the verbal authorization of the principal concerned. All groups--school, school-related, and non-school--must submit applications on standard printed forms supplied by the central office when a facility is to be used at night, on weekends, on holidays, or during the summer. Practice indicates that applications should be submitted one to two weeks prior to anticipated use.

Permits and/or Contracts. In most instances, the USOE survey indicated, a standard application form contains all provisions and stipulations imposed by the board of education, or incorporates them by reference, and when approved by an official having requisite authority becomes an official permit or contract for the use of specified facilities. Once a permit has been issued, it can be cancelled by the board of education for cause or when such cancellation is in the public interest. An applicant group may also cancel its permit without penalty, provided notice of cancellation is given school authorities within a specified time prior to scheduled use, usually 24 to 36 hours. In no case was it reported that a permit issued to one group could be transferred to another.

Rentals. School and school-related groups, the survey revealed, do not pay fees or rental charges for the use of school facilities for school or school-related purposes. In some instances where these groups require the assistance of school personnel beyond their normal work schedule, they are charged fees to cover the additional wages of such personnel. Nonschool groups pay rental charges for the use of school facilities. These charges vary from an amount based on the minimum cost to the board of education for supervision, custodial services, utilities, and other operating expenses incident to facility use to fixed amounts for each type of facility and the services required for it. When facilities are to be used for fund-raising purposes, the general practice is to increase rental charges. In some districts rental charges are scaled in proportion to admissions charged.

All districts reported that user groups are required to pay any assessed rental fees before a facility is used, preferably at the time a permit is issued.

Rental fees are either paid to the superintendent of buildings and grounds, who turns them over to the superintendent of business affairs, or they are paid directly to the latter. In only one instance were charges for salaries of custodians, maids, or other school employees used to operate facilities paid directly to these employees by user groups. Although fees and rents collected are presumed to cover and be applied to the actual operating costs to the district, in practice such fees are added to the district's receipts to be used for any budgeted purpose. [Caution: Be sure to check with your school attorney on this practice.]

Limitations and Restrictions on Facility Use. In some states, statutes prohibit the use of school facilities for certain purposes, but in these states and others greater restrictions are imposed by local boards of education under powers given them by state statutes.

All nine districts studied impose the following restrictions as to facility use:

- School facilities cannot be used by any individual, group, or organization for any activity that is intended to overthrow the government by force, violence, or other unlawful means.
- Games of chance, lotteries, or other activities classified as gambling cannot be conducted on school premises.
- Alcoholic beverages, tobacco, or other products considered hazards to health cannot be sold on school premises.
- No enterprise, function, or activity that promotes any commercial product or results in private profit or commercial gain for any business enterprise can be conducted on school property.
- Activities in conflict with city ordinances or state laws are not permitted.
- Smoking is prohibited on school premises except under prescribed conditions.

Restrictions on which unanimity was not reported are that school facilities may not be used for church or religious services except under emergency conditions and then only on a temporary basis; for any activity or program that reflects on, or discriminates against, persons of any race, color, creed, or national origin; to present acts in which animals perform; for weddings or wedding receptions; for secret or closed meetings; by nonchurch groups on Sundays including Sunday political meetings; for public, commercial dances; by individuals as contrasted with groups; to promote partisan politics or to present political candidates; to conduct doubtful commercial enterprises; and to operate concession stands by user groups.

Building Security and Supervision. All school districts surveyed reported that one or more school custodians must be on duty at all times when a school facility is used by any group; that these custodians are responsible for opening and closing the building, policing it, and cleaning the premises after use; and that they are paid extra for this work. The sponsoring head of the group or organization using the facilities must also be on duty to supervise his group. (This is amended in some instances to allow another responsible adult member of the organization to assume these duties.) Another practice has unanimous acceptance. When a school rents any equipment technically difficult to operate, it requires that someone who is connected with the school and who has knowledge of such equipment must operate it, and that he will be paid for his services by the user group.

Two districts reported that regular firemen must be on duty when

school auditoriums are used and an audience is present in them. One district requires policemen to be on duty when outside groups use school facilities for any event or program for which admissions are charged. User groups pay for the services of these firemen and policemen at a rate consistent with their regular rates of pay.

Liability for Property Damage or Injury to Persons. All districts require user groups to pay the cost of repairing damage to property and equipment when such damage is caused by the group. One district requires any user group not legally exempt from doing so to furnish a liability bond of $100,000/$400,000 to protect the district against loss of property or liability for personal injury. Two districts carry liability insurance that covers injury to persons on school premises even though their presence is occasioned by attendance at nonschool functions. Five districts rely on "common law immunity" to protect them against damage suits growing out of personal injury. One district has no stated policy concerning liability for personal injury.

Food Services. Practices vary on the use of school cafeterias by outside groups. One practice, however, prevails among all districts: If kitchen facilities are required and a permit for their use is issued, regular employees of the school cafeteria concerned must be on duty. They must supervise the use of kitchen equipment to see that it is properly cleaned and stored for school use the next day and to see that all electrical appliances, fire-heated stoves, gas stoves or ovens, and items of similar equipment are properly turned off, disconnected, or otherwise made safe for storage during nonuse. One district permits the use of its school kitchens by outside groups provided there is one school employee of that kitchen to supervise the work of other people brought in to prepare, handle, and serve food. These people, however, must meet state and local public health standards for food handlers.

Fire Safety. Two practices on fire safety are common with all districts: Smoking in school buildings is prohibited except in designated areas (in one instance only when the buildings are not occupied for instructional purposes), and flammable materials cannot be used in places of assembly.

One district specified that electric lights should not be used on natural trees and that only flameproof ornaments might be used, and warned that trees manufactured from tin or aluminum foil can create an electrical hazard if electric lights are placed on them. In most districts the local fire marshal, the fire prevention bureau, or the fire department has authority to enforce fire-safety regulations.

--R.N. Finchum

ABOUT THE EXHIBITS

The next two pages--two green "Information Statements"--present the official views of the National School Boards Association and the National Congress of Parents and Teachers (PTA) in support of the concept of a broad community use of school facilities.

Then you'll find on buff paper several brief but broadly worded policies, including one from Fairfax County, Va. This one is backed up by four pages of yellow administrative rules.

Then comes another buff sheet policy. This one is from Montgomery County, Md., and it is backed up by eight pages of yellow implementing rules--plus a green sheet Information Statement on the duties of the on-duty building serviceman assigned to an after-school activity.

Finally, you'll find a sample determination of priority use of school facilities, a sample fee schedule, and a sample rental agreement.

Note: None of the policies is long or highly detailed. This is as it should be, for it is the function of a written policy to chart a course of action...to tell what is wanted...and why. Administrative rules, on the other hand, are the detailed directions necessary to implement policy. Typically, they tell how something is to be done, by whom, where, when, etc. The buff policies and yellow rules in this kit demonstrate this principle in action as well as provide substance for the development of policies and rules.

EPS/NSBA File: KG

COMMUNITY USE OF SCHOOL FACILITIES

Public school facilities should be used as community centers for the integration of the American community and the encouragement of family participation in wholesome character building activities conducive to good citizenship. The Association should urge state associations to initiate legislation whenever necessary to authorize the wider use of public school facilities for community purposes under provisions giving local boards authority to determine, regulate, and maintain such programs.

SOURCE: From the Beliefs and Policies of the Delegate Assembly of the National School Boards Association
DATE: 4/68

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COMMUNITY USE OF SCHOOL FACILITIES

WHEREAS, It is recognized that good schools involve the active participation and cooperation of the entire community; and

WHEREAS, School buildings and facilities represent a considerable investment of public funds; and

WHEREAS, It is desirable that such buildings and facilities be utilized as fully as possible; be it

Resolved, That boards of education and school administrators develop policies whereby school-related groups that contribute directly to the improvement of the community's educational program be encouraged to utilize school buildings and facilities without charge.

SOURCE: Resolution on "The Use of School Buildings and Facilities for School-Related Activities" of the Board of Managers of the National Congress of Parents and Teachers.

DATE: 9/58

INFORMATION STATEMENTS (green sheets) are distributed for information only. Contents are not necessarily endorsed by EPS/NSBA. Editing from originals has been for reasons of space and style requirements only.

COMMUNITY USE OF SCHOOL FACILITIES
(Five broad policy positions)

NOTE: The passages below are representative of the broad policy position many school boards take on the community use of school facilities, leaving the implementation of policy to the administration. The fee schedules, administrative rules, and other appropriate instruments which "back up" and are referred to in these particular policy statements are not reproduced in this kit because of the inclusion of other similar rules.

* * * * *

School facilities shall be used as community centers for the integration of the American community and the encouragement of family participation in wholesome, character-building activities conducive to good citizenship. Such use shall be scheduled so as not to interfere with the regular instructional program of the District.

SOURCE: Santa Clara (Calif.) Unified School District
DATE: 2/27/69 (revised)

* * * * *

In order to assure a close relationship between the school and the community, it shall be the policy of the Board of Education to grant and encourage maximum use of school facilities to responsible and properly organized Wayne Community School District Groups for the purpose of education, recreation, and entertainment.

The authorized representative of the Board of Education may approve the use of school facilities by nonschool organizations except for those activities which result in personal or corporate gain. Charges shall be made according to the schedule of fees approved by the Board of Education. The Superintendent of Schools shall establish such rules and regulations as needed to implement this policy as well as to assure the preservation of school district property.

SOURCE: Wayne (Mich.) Community School District
DATE: 12/14/64

(See Overleaf)

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The community's investment in physical facilities has as its first priority in usage the education of children in the district. However, local citizens are encouraged to utilize the facilities to reasonable capacity for their other educational, recreational, business, and social interests. We believe that the resources--personnel and facilities--of a public school should be available for the education of all people in a community who desire to use them.

SOURCE: Board of Education, Chardon, Ohio

* * * * *

The Board of Education desires to participate with other town agencies and with community organizations, by making available school facilities, when so doing does not conflict with the education program. The schedule of rental rates will reflect current operation and maintenance costs.

School buildings shall be open for use by the public subject to such regulations as shall from time to time be established by the Superintendent in accord with Board policy.

The Board reserves the right to refuse the use of school facilities as provided for under State statute, Section 10-237.

SOURCE: Board of Education, Greenwich, Conn.
DATE: 12/70

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COMMUNITY USE OF SCHOOL FACILITIES

The use of school buildings and grounds is a privilege which citizens within each community expect. Through community sponsored meetings and activities the people grow in understanding, develop a unity of purpose, and become an effective influence in the development of good citizenship and civic progress. Availability of school facilities for community use under reasonable terms and conditions will promote the above advantages.

However, the operation and maintenance of school buildings represent a cost to the School District. Free uses, therefore, must be confined as nearly as possible to those which have a conceivable relationship to the school system or programs. A rental must then be charged for all other uses to reimburse the District for its expense.

1. IT IS THE POLICY OF THE SEATTLE SCHOOL BOARD THAT ITS BUILDINGS AND GROUNDS SHALL BE MADE AVAILABLE TO THE COMMUNITY SUBJECT TO SUCH RULES AND REGULATIONS AS MAY BE ESTABLISHED, PROVIDED THAT NO USE SHALL BE PERMITTED WHICH, IN THE JUDGMENT OF THE BOARD OF DIRECTORS, IS IN ANY WAY PREJUDICIAL TO THE BEST INTEREST OF THE DISTRICT OR IN CONFLICT WITH THE SCHOOL PROGRAM.

2. IT IS ALSO THE POLICY OF THE SEATTLE SCHOOL BOARD THAT THE SUPERINTENDENT SHALL PREPARE A STATEMENT OF SPECIFIC CONDITIONS UNDER WHICH USE OF SCHOOL BUILDINGS OR FACILITIES BY OUTSIDE GROUPS SHALL BE REGULATED AND WHICH WILL PROVIDE FOR THE PROTECTION OF SCHOOL DISTRICT PROPERTY AND ESTABLISH FEES FOR REIMBURSEMENT OF EXPENSES INCURRED BY THE DISTRICT: PROVIDED THAT WITHIN SPECIFIED LIMITS THE PARENT-TEACHER ASSOCIATIONS, RECOGNIZED NATIONAL CHARACTER BUILDING ORGANIZATIONS, SCHOOL ALUMNI ASSOCIATIONS, AND ORGANIZED GROUPS OF SCHOOL EMPLOYEES SHALL BE GRANTED FREE USE OF SCHOOL FACILITIES.

SOURCE: Seattle (Wash.) School District #1
DATE: 1968 (revised)
LEGAL REFS.: R.C.W. 28.58.048; 28.58.050; 28.58.100 (10); and 28.58.110.

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COMMUNITY USE OF SCHOOL FACILITIES

The Fairfax County School Board strongly desires to encourage wholesome youth and civic activities which contribute directly to the development of the democratic process and a free society. Accordingly, the Board shall make the public schools generally available for community activities. Use of public school facilities and grounds outside of school hours shall be granted for worthwhile educational, recreational, civic, and cultural activities to the fullest extent possible under the law, so long as these activities do not interfere with the regular school program, and are conducted in accordance with the Board's rules and regulations.

SOURCE: Fairfax County School Board, Fairfax, Va.
DATE: 12/18/67
LEGAL REFS.: Code of Virginia - Title 22-164; 164.1; and 164.2

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COMMUNITY USE OF SCHOOL FACILITIES

NOTE: Because of space limitations, the Table of Fees referred to in these regulations is not reproduced in this kit. The table delineates six broad classes of users ranging from school and school-related groups to commercial organizations.

Minimum Attendance Requirements.

The use of the buildings under Classes A, B, C, and D.1 of the Table of Fees should not be permitted unless the attendance meets the following minimum requirements: (1) Classrooms, 10 persons; (2) Elementary Cafeteria, 25 persons; (3) Intermediate and Secondary Cafeteria, 50 persons; (4) Gymnasium, 10 persons; and (5) Auditorium, 100 persons.

Use of Facilities.

A. Facilities Available. In general this usage will be limited to buildings and grounds other than specially equipped classrooms, libraries, storage rooms, and administrative offices so as to reduce interference with the school program and to protect school and pupils' supplies, instructional material, and exhibits from being disturbed or destroyed. Regular academic classrooms in intermediate and secondary schools may be approved for church use, but this use shall not extend to any room or space housing special facilities. Simultaneous multiple uses of a building may be refused by the Principal to assure adequate parking and other service facilities.

B. Permissable Activities. Approved community activities include--but are not limited to--evening and Saturday classes, dinners, concerts, carnivals, dramas, book festivals, art festivals, dances, card games, parties, meetings of organizations, and athletic or recreational games, contests, sports, or activities.

C. General Conditions. Each use of a school facility is subject to the following general conditions:

1. The activity must be sponsored by or provide for substantial participation by residents of Fairfax County living in or near the community in which the school is located. Schools shall not be available for private entertainment or parties.

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(See Overleaf)

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2. No immoral or unbecoming conduct may be permitted on School Board property. No alcoholic beverages may be served or consumed on School Board property, and no gambling may take place on School Board property.

3. Adequate adult supervision must be provided for each activity.

4. Each applicant must agree to assume responsibility for any legal liability for injury or damage to the person or property of the applicant or others and for any uninsured injury or damage to school personnel or property in connection with use of school facilities, must agree to save the School Board harmless in the event of any injury or damage and must reimburse the School Board for any damage. The School Board does not carry public liability insurance and by law is not liable for any injury or damage to the property of others.

5. The School Board reserves the right to deny the use of the facilities to any person or organization at any time and it is the final authority on the interpretation and modification of the policy on public use of school facilities. In particular the School Board reserves the right to deny the privilege of continued use of facilities to any user who does not comply with all School Board regulations.

D. Church Use. Church groups may be permitted to use a facility for a period of one year. Permits may be renewed by the School Board on the basis of proved hardship, or satisfactory evidence that construction or acquisition of other facilities is in progress. During use the users shall assume full responsibility for damage of school property, including restitution for damages caused by or during such use.

Application and Approval.

A. An application is filed on the "Building Use Application" form available in the Principal's office, and on Form SL-25 if the use of the cafeteria kitchen is involved. Ordinarily applications should be filed not less than a week in advance of the intended use.

B. When an application is received by the Principal, he will approve or disapprove it on the basis of School Board policy and these regulations and its probable effect on school operation. He will enter the appropriate fees to be charged and collect the fees with the application.

C. The Principal will distribute copies as specified on the application form. Applicants should understand that approval

will be subject to review by the central office. If not challenged the approval becomes final after four days.

D. The Principal will maintain a complete schedule of use for the building for which he is responsible, endeavoring to prevent conflicts and to guarantee first priority to the school and its related organizations (PTA, Band Boosters, etc.); second priority to the Recreation Department; and lower priority to other users.

E. The Recreation Department, as holder of second priority status, will prepare its complete request for use of facilities in an individual school for an entire semester (except for Recreation Department athletic schedules which will be submitted as soon thereafter as possible) and submit this request to the Principal before the first day of the semester. (Note: The period between the close of school in June and the reopening in September shall be considered the "summer semester".) Prior to this date, requests by other organizations will be received and filed in order by the Principal, but not acted upon until the Recreation Department's request is in hand or the beginning of the semester has passed, whichever first occurs. After this date, all requests, including supplementary ones from the Recreation Department, will be considered by the Principal on a first-come-first-served basis.

F. Church Use Request. Applications are filed on the forms provided for this purpose. When applications are received by the Principal, he shall approve or disapprove them, enter the appropriate fees to be charged, and distribute copies of the applications according to the distribution schedule given at the bottom of the application form. If use is desired beyond one year, a new application must be filed and approved by the School Board. Church use should be limited to one church for any one school at any one time.

Fees.

A. Collection of Fees. Custodial and rental fees are paid by the user to the local school Principal who in turn remits these fees to the Fairfax County School Board after the activity is completed and a final determination of the fee is made. Fees chargeable to users classified as C, D, and E types should accompany the applications in the form of a check payable to the local school. Type B custodial fees may be paid monthly by inter-departmental transfers to the School Board by the user based on time records reported by the local school principal. Type F rental may be paid monthly to the local school with the custodial fee paid direct to the custodian by the user. Schools should record building use fees and

(See Overleaf)

custodial fees separately and submit monthly payments to the central office with separate checks for building rental and custodial fee.

B. Payment of Custodians. Time earned by custodians where special or over-time custodial service is required, should be reported in the usual manner and custodians will be paid according to the Civil Service salary scale.

C. Special Fees. Special fees may be charged for necessary technical and supervisory service. Principals may waive charges for supervisory service if satisfactory volunteer help is available.

Disputes.

Any disagreement concerning these procedures and regulations or concerning interpretation of School Board policy may be referred by either the Principal (or other appropriate staff member) or by the user (or applicant) to the Associate Superintendent of Fairfax County Schools.

SOURCE: Fairfax County School Board, Fairfax, Va.
DATE: 12/18/67

COMMUNITY USE OF SCHOOL FACILITIES

Free use. The Board of Education encourages maximum community use of its facilities during those times when facilities are not used in the regular education program, and the use of facilities shall be provided free for meetings conducted by the following groups:

1. Montgomery County Public School meetings and activities including school-sponsored activities if admission is not charged;
2. Branch or local meetings of any approved state, national, or international professional education association, and all MCPS employee associations;
3. Montgomery County Government, except for regularly scheduled programs such as those sponsored by the Recreation Department;
4. Parent-Teachers Association Meeting if admission or fees are not charged;
5. Maryland-National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission.

Further, the use of facilities shall be provided free when additional staff is not required and the use is not for fund-raising purposes to the following groups:

1. Not-for-profit groups;
2. Profit organizations when used solely for not-for-profit-motivated activities (the only use permitted by profit organizations).

Fees. Board-adopted fees based on personnel policies and salary schedules shall prevail when additional staff is required, or if there is a charge for admission or if the function is for fund-raising purposes.

Special requirements. A group shall not be eligible to use facilities unless at least two-thirds of its membership is comprised of residents of Montgomery County.

Further, groups using the facilities will conduct activities that are: (1) orderly and lawful, (2) not of a nature to incite others to disorder, and (3) not restrictive by reason of race, creed, or color.

Religious use. Church groups in the formative stage shall be permitted to use facilities for religious services and instruction for a period of as much as three years, with the possibility of two one-year extensions by the superintendent upon the submission of a satisfactory progress report.

(See Overleaf)

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Administrative procedures. The superintendent shall establish procedures governing such uses as indicated above.

SOURCE: Board of Education, Montgomery County Public Schools, Rockville, Md.
DATE: 1/9/68 (consolidation of previously-adopted resolutions)

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COMMUNITY USE OF SCHOOL FACILITIES

A. General Guidelines.

1. The principal shall be responsible for maintaining proper relationships with those organizations which make application to use the school. The principal or his designate (which may be a building services employee) must be on duty at all times when a school building is being used by outside organizations.

2. There must be a building services employee who has successfully completed the boiler safety course on duty at all times when the building is used during the heating season or when the boiler is in operation. Boilers must be checked hourly.

3. In the event the use of a school by an outside group involves the receipt and/or storage of supplies and/or equipment for the benefit of the outside group, this factor must be included as a part of the application.

4. Any group or organization using school property shall save the County, the Board of Education, the individual members thereof, and any school officials or employees, free and without harm, from any loss, damage liability, or expense that may arise during, or be caused in any way by, such use or occupancy of school property. In the event property loss is incurred as a result of the use of the facility by an outside group, the amount of damage shall be decided by the principal in consultation with the director of the Division of Operations.

5. When one of the following conditions exist the principal should confer with the director of the Division of Operations before making a final decision regarding the use of the facility:

   a. the using group's title is controversial or not clearly identified, or
   b. the program or its participants may cause unusual public concern, or
   c. there is questionable use in terms of the guidelines within this regulation.

   The director of the Division of Operations shall investigate each request. If necessary, he shall consult through administrative channels as necessary in arriving at a decision. The director of operations shall then notify the principal.

   If the use is questioned by Montgomery County residents after a request is approved, the principal will contact the director

(See Overleaf)

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or the Division of Operations, who will follow the same procedures noted above.

The principal may deny the use of a building to an approved group without consulting the director of operations when the space applied for has already been committed to another group or the space applied for may not be used for the purposes requested under these regulations.

6. The principal of any school reserves the right to transfer an application for the use of any facility to another school location in that area, provided that the capacity attendance of the user (either as participants or spectators, or both) would not adequately utilize the facility and concurrence of the director of the Division of Operations has been obtained.

7. Continued use of a school building by any group is contingent upon the group's taking proper steps to protect the school property and to ensure complete safety, the observance of the prohibition against smoking in public school buildings (except in areas posted otherwise), and the reimbursement of its expenses to the Board of Education. If a principal feels that his building is being misused by any group, it is the duty of the principal to point out the misuse to the group so that, through the cooperation of the group, the misuses may be stopped. If continued misuses occur, the principal shall report this to the director of the Division of Operations, who shall (in cooperation with the appropriate department head if educational matters are involved) investigate the complaint and determine whether the group should be prohibited from any further use of county schools.

B. Types of Groups Authorized to Use Board-Owned Facilities.

1. Type A Groups (recognized not-for-profit groups; see Section C-3 for basis for charges):

   a. Charitable, civic, political, and religious groups.
   b. Cultural, non-private educational and recreational groups. (If fee or tuition is charged for attendance, both the teachers and instructional program must be approved by the State Department of Education.)
   c. County, state, or federal governmental groups. (Principals shall consult with the director of operations to determine whether agency will be charged for use.)
   d. Community service groups such as hospitals, fire departments, etc. (Such groups are not required to reimburse the Board for use of school kitchens.)

2. Type B Groups. Any necessary building services overtime brought about through the use of the schools by the following groups will be at no expense to the groups listed below. If building services overtime is required as a result of

the use of the schools by these groups, the principal must contact the director of the Division of Operations before the event takes place so that the best method of handling the extra work may be arranged.

For non-profit cafeteria functions, all Type B groups are required to pay employees their regular rates for hours worked plus food and other costs as determined by the individual cafeteria manager. The fee is made payable to the school cafeteria and is deposited into the school cafeteria account. Hours worked are recorded on MCPS Form 430-30 and payroll vouchers as "Regular Duties" and shall not be listed as "Outside Use of School Facilities."

a. Board of Education meetings and activities such as child study groups.
b. School-sponsored activities (if no admission is charged).
c. Branch or local meetings of any approved state, national, or international professional education association, and all MCPS employee associations.
d. Montgomery County Council and departments (other than recreation) of the County Government.
e. All regularly-scheduled meetings of PTA's and PTA Councils.
f. Maryland-National Capital Park and Planning Commission and the Washington Suburban Sanitary Commission.

3. Other Groups. In the event organizations not listed in either classification above apply for the use of facilities, the principal shall contact the director of the Division of Operations to determine the proper classification.

C. Applications and Financial Procedures Related to the Use of Facilities.

1. Applications.

a. All groups shall submit applications for use of a school or grounds to the principal of the school on forms provided for that purpose. Applications for the use of school buildings or grounds must be completed and submitted to the school at least one week prior to the date of requested use. In the event the principal is not available (such as in the case of new schools or during the summer months), the application shall be submitted to the director of the Division of Operations.
b. Groups holding regular meetings throughout the year need file only one application at the beginning of each fiscal year. However, special events of such groups must be covered by separate applications whenever they occur.
c. Approved applications shall be distributed by the principal as follows: (1) Original to the group or organization; (2)

(See Overleaf).

Green copy to director of the Division of Operations; (3) Pink copy to director of Public Safety; (4) Blue copy to building services manager or foreman to accompany overtime voucher to the Department of Financial Services; and (5) Yellow copy to school files.

d. The permission extended to any group to use the buildings or grounds of the Montgomery County Public Schools shall expire automatically at the end of the fiscal year in which such permission is granted.

2. Reimbursement.

a. The Montgomery County Public Schools shall be reimbursed for certain expenses as identified below for the use of schools under these regulations.

b. The using group or agency, if applicable, shall make its check payable to the school being used. The only exception will be the organized public recreation departments which will be invoiced by the Division of Accounting for use of facilities. During the Christmas and Easter holidays and the summer vacation period, the director of operations will receive all requests from public recreation departments. After receiving these requests, he will contact the principals of the schools involved and make arrangements to accommodate the activity.

c. The reimbursement shall accompany the application and be submitted to the principal. Groups submitting applications for regular meetings throughout the year shall arrange to make reimbursement in advance of each future meeting, or they may make payment in one check for all of the meetings.

d. Payee on Checks: In no case will checks or money orders be made payable to individuals. Checks must be made payable to the school being used.

e. All groups engaged in fund-raising activities, whether profit or non-profit, must pay for building services and/or cafeteria overtime. This includes PTA's.

3. Fee Structure to User Groups.

a. Building Services Personnel. Groups using school facilities shall be charged at the rate of $4.50 per hour for each hour a building services employee is required to work as follows:

1. All "Type A Groups" which use a facility on Saturday, Sunday, or a holiday will be charged.
2. All "Type B Groups" which use a facility on week nights and make a charge for admission or participation, profit, or monetary gain in such use, or where the movement of furniture, either to place and/or

replace, involves 30 minutes or more of services time will be charged.

3. All other use of facilities will be on a no-charge basis, since there should be no significant increase in the building services staff workload. Any exception to this in order to insure protection of facilities must be approved by the director of operations or his authorized representative.

b. Cafeteria Managers and Workers. The number of hours a school lunch manager is required to serve in a managerial capacity as a result of a group's using the school kitchen shall be charged at the rate of $4.50 per hour. The hours other school lunch employees are required to work shall be charged at the rate of $3.00 per hour.

c. School Kitchen Use. The rate for each four hours or fraction thereof for the use of elementary school kitchens shall be $7.50 and for the use of the secondary school kitchens, shall be $15.00. Use of kitchen facilities must be coordinated with the principal who will consult with the manager to insure proper use of the facility.

4. Pay Rates to Employees.

a. All employees engaged in after-school use of facilities shall receive their regular rate of pay for 40 hours per week, except that hours worked after eight hours in any one day shall be at time and one-half.
b. All employees engaged in after-school use of facilities shall be paid at the rate of time and one-half for overtime after eight hours in any one day and after 40 hours in any one week.
c. Travel time shall not be allowed.
d. A minimum of three hours shall be guaranteed the employee each time he is required to return to work for after-school use of facilities.

D. Regulations Governing After-School Instructional Programs Conducted by Non-Public School Groups for School-Age Children.

The use of school buildings for after-school recreational and creative activities (e.g., children's dance, music, drama classes, etc.) is approved provided that:

1. Such activities are conducted in a manner consistent with sound educational principles so that school and community programs will be mutually supplementary.

2. Teachers involved in the programs are certified by the State Department of Education, and the programs are approved by the State Department of Education.

(See Overleaf)

3. These classes have no organizational or contractual relations with a non-public school agency, and each teacher is employed on an individual basis and not as director of or teacher at a private school.

4. Such activities are sponsored by the organizations as set forth in the regulations and that these organizations are willing to assume responsibility for the necessary financial and administrative details, and can provide evidence of a community interest and desire for the proposed program, and thus ensure that no school is used as a private studio.

5. Regardless of sponsorship, no advertising or programs of class schedules may be used to mention the name of a studio or other commercial organization.

6. These programs are developed as extracurricular activities to benefit the children, and not primarily as fund-raising projects for any group. Charges should be based primarily on the costs of the program, such as teacher fee, building services fee, and materials.

7. When the PTA's are the sponsors, they shall assume responsibility for seeing that the programs offered are agreed upon by a vote of the membership; that the programs are planned in coordination with the principal and supervised by the PTA; that the programs are open primarily to children in the sponsoring school, and to children of other schools at the discretion of the principal and PTA of the school; that all monies and financial transactions are handled by the PTA; and that all administrative details are cared for by the PTA with the advice and supervision of the principal.

E. Limitation of Use.

Board policy mandates that groups using school facilities will conduct activities that are: (1) orderly and lawful, (2) not of a nature to incite others to disorder, and (3) not restrictive by reason of race, creed, or color. Board policy also stipulates that newly formed church groups shall be permitted to use school facilities for a period of as much as three years either consecutively or cumulatively with the possibility of up to two one-year extensions by the superintendent upon submission of a satisfactory progress report. School buildings and grounds may be used for educational, civic, social, religious, and recreational activities by approved not-for-profit groups of citizens or organizations within the county. However, profit-making organizations may be permitted to use school facilities for not-for-profit affairs for such purposes as athletic programs, fund-raising activities for charitable purposes, and employee-related activities.

1. The use of alcoholic beverages in school buildings or on school grounds is prohibited.

2. Gambling (e.g., bingo, raffles, lotteries, etc.) is prohibited in school facilities.

3. There shall be no smoking in school buildings unless the area is posted otherwise.

4. School gyms shall be used for dances only by public school groups, organized recreation departments, and parent-teacher associations.

5. School buildings shall not be used for parties and celebrations that are essentially private in nature.

6. All adult recreation programs (such as square dancing, folk dancing) must be sponsored by organized public recreation departments if the services of such recreation departments are available.

7. The schools shall not be used for recitals or exhibitions by private teachers of music or dancing. This limitation shall not apply to classes conducted in the schools as described in Section D of this regulation.

8. There shall be no temporary or permanent signs, banners, pennants, or the like placed in or on school buildings or on school grounds by any group except those associated with activities sponsored by the school or school PTA and the two exceptions which follow. Activities carried on in the schools by the Board of Supervisors of Elections shall be free of this restriction. Other groups which use schools may place temporary identification signs on school grounds only during the actual hours the school is used. At the conclusion of the use of the school, the group must remove the signs.

9. A group shall not be eligible to use facilities unless at least two-thirds of its membership is comprised of residents of Montgomery County.

10. The use of the building by the outside organization should in no way restrict or limit the normal instructional program carried on during regular school hours. Further, the use of any school equipment is specifically prohibited unless prior approval has been received from the principal. The hours of use by outside organizations shall normally be restricted to the period from one hour after the school day ends to midnight on weekdays and on Saturdays and Sundays from 8:30 a.m. to midnight. In some instances there may be deviations from these hours permitted by the principals if such deviations will in

(See Overleaf)

no way limit or restrict the regular school instructional program. These limitations regarding hours of usage will not apply to elections conducted under the auspices of the Board of Supervisors of Elections.

11. All use of schools by outside groups shall be automatically cancelled when schools must be closed due to inclement weather or other emergency conditions.

12. In centrally air-conditioned schools certain regulations must be observed: If the use occurs when the air-conditioning system is normally functioning, the system will be kept in operation. If the use occurs when the air-conditioning system is normally turned off, it will not be turned on.

F. Operational Implementation.

1. Overtime work in each school shall be spread among all building services personnel who are qualified to perform this service and who wish to participate. Each school is directed to schedule this service on a rotating basis in order that all building services personnel may participate on an equal basis for the purpose of maintaining a balance between the high and the low pay rates. In order to protect the interests of the Board of Education, the following guidelines are established:

   a. During the heating season, or when the boiler is in operation, only qualified boiler operators can be utilized (but not necessarily the building services manager or foreman).
   b. During the off-heating season and summer recreation program, building servicemen who do not have boiler operator certificates may be used. The only test in this case is the reliability of the person performing the service. If a principal has a question or doubt regarding the advisability of assigning an employee to handle after-school use of facilities, the director of the Division of Operations should be consulted for a final decision. The director has full responsibility for determining capability of employees and working with the Department of Supporting Services Personnel concerning personnel relations.

SOURCE: Montgomery County Public Schools Administrative Regulation #230-1, Rockville, Md.
DATE: 1/9/68; revised 3/11/68, 8/13/68.

COMMUNITY USE OF SCHOOL FACILITIES
(Duties of building servicemen for after-school use activities)

1. Be prompt. Arrive at least one-half hour before scheduled use.

2. Check the boilers upon arrival (during the heating season).

3. Unlock the necessary door or doors. Turn on lights as needed. Have the furniture set up as requested by the using group.

4. Be courteous. Introduce yourself to the representative of the user group and offer to assist him in any way possible.

5. Be present at all times in the area being used in order to insure that the group limits its activities to the area applied for. Do not stay in the boiler room. Boilers need only be checked hourly. Do not permit the users to wander throughout the building. Do not permit unauthorized persons to enter the building. Work with the representative of the user group in this respect. Call the police if unauthorized persons refuse to leave.

6. Protect Board property, the building, and its contents. Remind individuals not to smoke in posted areas. Insist that authorized representative work with you. Explain that a report of smoking violations must be made to the principal which could result in denial of use of facilities in the future.

7. Do not permit the group to use equipment not agreed to by the principal and stated on the permit.

8. After all participants have left the building, lock all doors and close and lock all windows; see that all cigarette butts are extinguished; clean area if it is to be used the next morning; turn off all lights in the area used; check the boiler room; check all exterior doors to see that they are locked; and leave.

SOURCE: Montgomery County Public Schools Administrative Regulation #230-1, Rockville, Md.
DATE: 1/9/68

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COMMUNITY USE OF SCHOOL FACILITIES
(Sample determination of priority of use)

1. Activities and programs of the Newport-Mesa Unified School District directly related to the instructional and educational program of the District.

2. Events or activities (a) designed to serve the youth and citizens or the individual school community which are planned and directed by school-attached groups, and (b) connected with a community recreation program.

3. Use by community organizations whose primary purpose is service to youth or, through the use of school facilities, is the improvement of the general welfare of the community and where no admission is charged.

4. Use by civic and service groups whose purpose, through the use of school facilities, is to improve the general welfare of the community and where admission is charged and whose net receipts are expended for the welfare of the pupils or charitable purposes.

5. Use by individuals or groups who are eligible to rent the facilities for legitimate purposes in accordance with the Civic Center provisions of the Educational Code and whose net receipts are not expended for welfare of the pupils or charitable purposes.

SOURCE: Newport-Mesa Unified School District, Newport Beach, Calif.
DATE: 12/12/67

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COMMUNITY USE OF SCHOOL FACILITIES
(Sample schedule of fees and charges for use of school facilities)

	Cost Recovery Rates			Fair Rental Rates		
	1st Hr.	2nd Hr.	3rd Hr.	1st Hr.	2nd Hr.	3rd Hr.
1. Athletic Field	$ 6	$10	$ 14	$ 8	$ 13	$ 19
2. Athletic Field (Park & Rec.)	4	7	10	0	0	0
3. Auditorium	46	79	111	62	103	144
4. Cafetorium	10	17	24	13	22	31
5. Cafetorium (W/Kitchen)	12	20	27	16	27	38
6. Classroom	2	4	6	3	5	7
7. Classroom (W/Sewing Machines)	3	5	7	4	6	8
8. Classroom (W/Typewriters)	3	4	6	3	6	8
9. Faculty Dining Room	2	3	4	2	4	5
10. Gym (Boys)	13	22	31	17	28	39
11. Gym (Girls)	12	21	29	16	27	38
12. Library	3	6	9	4	7	10
13. Little Theatre	8	14	20	11	19	26
14. Lounge & Conference Room	2	4	6	3	5	7
15. Social Hall	6	10	14	8	13	18
16. Social Hall (Harbor High) W/Stage	12	21	29	16	27	38
17. Social Hall (Harbor High) w/o Stage	10	17	25	14	23	32
18. Stadium (Day)	40	68	97	54	90	125
19. Stadium (Night)	47	82	117	61	104	146
20. Swimming Pool	10	16	23	13	22	30
21. Tennis Court	2	3	5	3	5	6

(The Fair Rental Rates shown are not necessarily the rates that will be charged but are used as guidelines for bidding as called for in Education Code sections 16051-16063. To determine cost after three hours, add differences between first and second hour for each additional hour after the third hour.)

SOURCE: From the "Rules and Regulations Governing Use of School Facilities Under the Civic Center Act" of the Newport-Mesa Unified School District, Newport Beach, Calif.

DATE: 2/6/68 (Rates adopted by Board of Education)

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COMMUNITY USE OF SCHOOL FACILITIES
(Sample rental agreement)

Date_____ Facility _____

Name of Renter_____

Address_____ Phone_____

Purpose for Rental_____

Special Equipment_____ Charge_____

Total Charges (including custodian's fee)_____

All charges are payable in advance. Make checks payable to the XYZ School District.

The applicant organization's representative has read and agrees to the "Rules and Regulations of the XYZ School District." In addition:

1. The representative and the organization which he represents, hereby agree and undertake to save and hold blameless the school district, from any and all claims for damages, personal or otherwise, that may arise out of the use of the property, whether by a member of his organization or by other persons using or enjoying said property, and without regard to whether the damage, personal or otherwise, is brought about or caused by negligence, whether on the part of the representative, organization, the school district, or all three.

2. The representative and organization will be responsible for and agrees to pay for damages done, exclusive of ordinary wear and tear.

Organization	Building Principal
Representative	XYZ School District
Title	

SOURCE: Sample contract based on existing agreements on file at the EPS/NSBA Policy Information Clearinghouse.
DATE: 3/71

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